

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

COURT MINUTES

JUDGE: James E. Shapiro

DEBTOR(S): Joshua and Amy Hingiss

DATE: January 11, 2011

PLAINTIFF(S):

CASE NO.: 10-29145

-v-

ADVERSARY NO.: Chapter 13

DEFENDANT(S):

NATURE OF HEARING: MMCC's objection to debtors' motion to stay enforcement of order pending appeal

COURTROOM DEPUTY: Carol Duncan

APPEARANCES:

1. Atty Nathan DeLadurantey, appearing for debtors
2. Atty Jack Zaharopoulos, staff atty for Chapter 13 Trustee
3. Atty William C. Yellin, appearing for MMCC Financial Corp.

DISPOSITION:

On the record, atty Yellin withdrew the portion of his objection based on the timeliness of debtors' appeal. Based on the record before it and the statements of counsel, the court ordered the following: the trustee shall continue to disburse adequate protection payments of \$50.00/mo to MMCC; the trustee shall hold an additional \$208.00/mo (which amount represents the increase in adequate protection payments necessary to pay MMCC's claim in full in the event the court's order is upheld on appeal) for the benefit of MMCC; in the event the District Court affirms this court, all such monies being held by the trustee shall be disbursed to MMCC; in the event the District Court reverses this court, the trustee shall continue to hold such monies until such time as the bankruptcy court holds an evidentiary hearing and rules on the value of the vehicle at that time of filing; in the event the debtors' case is dismissed for any reason prior to the District Court entering an order on appeal, such monies shall be disbursed to MMCC.

Atty Zaharopoulos shall prepare the order and mail such proposed order to all creditors giving them 7-days opportunity to object.